

CITY OF EL PASO, TEXAS
DEPARTMENT HEAD'S SUMMARY REQUEST FOR COUNCIL ACTION (RCA)

DEPARTMENT: Building Permits & Inspections
AGENDA DATE: February 1, 2005
CONTACT PERSON/PHONE: R. Alan Shubert, P.E.
DISTRICT(S) AFFECTED: N/A

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? **OR AUTHORIZE** the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

That the Amended Pre-Qualification Requirements and Procedures, as related to the Selection Procedures for Third Party Plan Review and/or Inspection Companies, pursuant to Section 18.02.101.4.9 of the El Paso Municipal Code, is hereby approved by the City Council of the City of El Paso as attached hereto as Attachment "A". This action is intended to supercede the adoption of the previous resolution, dated May 11, 2004.

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action?

That the Amended Pre-Qualification Requirements and Procedures, as related to the Selection Procedures for Third Party Plan Review and/or Inspection Companies, pursuant to Section 18.02.101.4.9 of the El Paso Municipal Code, is hereby approved by the City Council of the City of El Paso as attached hereto as Attachment "A". This action is intended to supercede the adoption of the previous resolution, dated May 11, 2004.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one? If so, when?

N/A

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

N/A

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A (N/A)

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____
OTHER: _____

(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

RESOLUTION

WHEREAS, the City Council of the City of El Paso approved a resolution on May 11, 2004 adopting standards for pre-qualification of third party plans reviewers; and

WHEREAS, the City now desires to expand the use of third party companies to allow for third party building inspections,

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Amended Pre-Qualification Requirements and Procedures, as related to the Selection Procedures for Third Party Plan Review and/or Inspection Companies, pursuant to Section 18.02.101.4.9 of the El Paso Municipal Code, is hereby approved by the City Council of the City of El Paso as attached hereto as Attachment "A". This action is intended to supercede the adoption of the previous resolution, dated May 11, 2004.

ADOPTED ON THIS 1ST DAY FEBRUARY, 2005.

CITY OF EL PASO

Joe Wardy
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

L. Hayes
Lisa A. Hayes
Assistant City Attorney

APPROVED AS TO CONTENT:

Patricia D. Adauto
Patricia D. Adauto, Deputy City Manager
Building and Planning Services

APPROVED AS TO CONTENT:

R. Alan Shubert
R. Alan Shubert, Director
Building Permitting and Inspections Dept.

ATTACHMENT “A”



**CITY OF EL PASO
THIRD PARTY PLAN REVIEW AND/OR INSPECTION
SERVICES
PRE-QUALIFICATION APPLICATION**

ATTACHMENT "A"

OVERVIEW

The City of El Paso requires that any company performing plan review or inspection services for the City be pre-qualified for such services. In order to be allowed or selected to provide third party plan review or inspection services, a company must be pre-qualified in advance for use by any private company or by the closing date on any project submittal for projects done for the City of El Paso.

To be pre-qualified, companies must complete the pre-qualification application process. A company may update pre-qualification information at any time, but it is the sole responsibility of the company to maintain current records with the City. Failure to update records as necessary may result in the determination of non-responsiveness of any submittal. Upon the granting of pre-qualification, renewal shall not be required.

The City has a maximum of thirty (30) days to review a pre-qualification application once it has been submitted. While companies engaged in seeking such pre-qualification may provide submittals and presentations, pursuant to the selection procedure, no agreement for professional services may be executed with a company that has not been pre-qualified.

The City of El Paso reserves the right to deny approval of any company or individual not deemed qualified by the Building Official. The City of El Paso reserves the right to disqualify companies or individuals previously qualified if:

1. The company or individuals in the company fails to perform services in a manner that assures compliance with all city codes.
2. The project manager or other key staff leave the company or fail to attain or maintain the certifications required.

Companies that wish to appeal disqualification may do so by filing an appeal with the Building Board of Appeals of the City of El Paso.

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REQUIREMENTS

Submissions shall be limited to twenty (20), eight and one half (8.5) by eleven (11) inch typed, double-spaced pages plus resumes. Submittals may include photographs or illustrations, and may be provided in color. Each page of the pre-qualification submittal, regardless of its content, shall constitute one (1) page for purposes of determination of compliance with the twenty (20) page restriction. Submissions including content on both sides of one (1) page shall be considered two (2) pages, with regard to the twenty (20) page restriction. Submissions shall be subject to the Texas Public Information Act, Texas Government Code, Section 552 *et. seq.* Any change in information must be made available to the City as soon as reasonably possible. The Building Official, or designee shall review qualifications for compliance with the following requirements:

General Information

- Primary contact for the submittal
- Street Address
- Telephone number
- Fax number
- E-mail address, if applicable
- Web address, if applicable

Company Information

- Name and date of formation
- Previous company names, if applicable
- Location of all company offices
- Date of opening of El Paso office, if applicable
- Principals and personnel by discipline
- Technical resources, including CADD capabilities, etc.

Key Personnel

The submission shall designate the project manager, in addition to other primary staff members, that would be assigned to work on City of El Paso projects and summarize their qualifications. Copies of each license for each licensed member of the company's staff shall be provided, along with copies of resumes, including each certification by ICC (or a comparable agency as approved by the Building Official) for each member on the company's staff that will be performing plan review or inspection for the private sector or for the City of El Paso. At the discretion of the Building Official, additional qualifications may be required at any time.

ATTACHMENT "A"

The minimum qualifications that Third Party Plans Reviewers must possess are as follows:

Residential:

Residential Plans Reviewers shall have five (5) or more years of progressively responsible building trade or trade related experience including two (2) years of residential or commercial construction inspection or plan review experience. They shall have an International Codes Council (ICC) Residential Combination Inspector Certificate and an ICC Residential Energy Inspector / Plans Examiner Certificate.

Commercial:

Building Plans Reviewers shall have five (5) or more years of progressively responsible building trade or trade related experience including two (2) years of residential or commercial construction inspection or plan review experience. They shall have an ICC Certified Building Plans Examiner Certificate. They shall also have an ICC Commercial Energy Plans Examiner Certificate and an ICC Commercial Energy Inspector Certificate.

Electrical Plans Reviewers shall have five (5) or more years of progressively responsible building trade or trade related experience including two (2) years of residential or commercial electrical inspection or plan review experience. They shall have an ICC Electrical Plans Examiner Certificate. They shall also have an ICC Commercial Energy Plans Examiner Certificate and an ICC Commercial Energy Inspector Certificate.

Mechanical Plans Reviewers shall have five (5) or more years or progressively responsible building trade or trade related experience including two (2) years of residential or commercial mechanical inspection or plan review experience. They shall have an ICC Mechanical Plans Examiner Certificate. They shall also have an ICC Commercial Energy Plans Examiner Certificate and an ICC Commercial Energy Inspector Certificate.

Plumbing Plans Reviewers shall have five (5) or more years or progressively responsible building trade or trade related experience including two (2) years of residential or commercial plumbing inspection or plan review experience. They shall have an ICC Plumbing Plans Examiner Certificate. They shall also have an ICC Commercial Energy Plans Examiner Certificate and an ICC Commercial Energy Inspector Certificate.

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The minimum qualifications that Third Party Inspectors must possess are as follows:

Residential:

Residential Inspectors shall have five (5) or more years of progressively responsible building trade or trade related experience including two (2) years of residential or commercial construction inspection or plan review experience. They shall have an International Codes Council (ICC) Residential Combination Inspector Certificate and an ICC Residential Energy Inspector / Plans Examiner Certificate. They shall also be licensed by the Texas Department of Licensing and Regulation as a Plumbing Inspector.

Commercial:

Building Inspectors shall have five (5) or more years of progressively responsible building trade or trade related experience including two (2) years of residential or commercial construction inspection or plan review experience. They shall have an ICC Certified Building Inspector Certificate. They shall also have an ICC Commercial Energy Inspector Certificate.

Electrical Inspectors shall have five (5) or more years of progressively responsible building trade or trade related experience. They shall have a Texas State Journeyman or Master Electrician license. They shall have an ICC Electrical Inspector Certificate.

Mechanical Inspectors shall have five (5) or more years of progressively responsible building trade or trade related experience. They shall have an ICC Mechanical Inspector certificate.

Plumbing Inspectors shall have five (5) or more years of progressively responsible building trade or trade related experience. They shall have an ICC Plumbing Inspector Certificate. They shall also be licensed by the Texas Department of Licensing and Regulation as a Plumbing Inspector.

References

Third party plans reviewers and/or inspectors shall submit a list of references for which third party plan review or inspection has been performed. The list of references shall include the names of municipalities and Building Officials who have knowledge of the performance of the company or individuals in the company.

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Authority of the Building Official

The Building Official for the City of El Paso retains the authority to render all code interpretations and to require variances and/or appeals to be filed with the appropriate board of appeals as defined in the El Paso Municipal Code. The Building Official retains the right to oversee and review all plan reviews and inspections performed by third party companies. In addition, the Building Official retains the right to revoke any company's authority to perform plan review or inspection services based on inadequate performance as defined by the Building Official for non-compliance with this resolution or any applicable code provisions. The City of El Paso will not be responsible for any costs incurred by anyone as a result of errors or omissions in third party plan review or inspection. In case of a disagreement between third party plan review and/or inspection companies and the Building Official, the decision of the Building Official is final. All enforcement authority of the Code(s) shall remain with the Building Official. The Building Official shall retain the responsibility to issue all Certificates of Occupancy.

All documents, materials, information, inspection records, or drafts, whether finished or unfinished, that are developed, prepared, completed, or acquired by a third party plan review or inspection company in the performance of plan review or inspection services shall be made available to the City of El Paso upon request. Any documents submitted to the City for the purpose of securing a permit become the property of the City of El Paso. The City will require two (2) sets of drawings, calculations, and any information as required by the Building Official to secure a building permit. The City of El Paso will retain one copy for its records. The City of El Paso will require one (1) copy of any or all inspection records, logs, or reports prepared by a third party inspection company for its records. All inspection records shall be submitted to the City of El Paso prior to issuance of the Certificate of Occupancy by the Building Official.

Indemnification

Any third party plan review and/or inspection company authorized by the Building Official to perform plan review or inspection services shall execute an indemnification agreement, in a form approved by the City Attorney's Office. Said agreement shall provide that the company shall hold harmless and defend the City against any and all claims related to the services provided by the third party company.

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Insurance

Any third party plan review or inspection company authorized by the Building Official to perform plan review or inspection services shall obtain and maintain insurance coverage with the City of El Paso as an additionally named insured, as follows: commercial general liability in the amount of a minimum of one million-dollars (\$1,000,000.00) each occurrence and three million-dollars (\$3,000,000.00) aggregate, worker's compensation, vehicular, and professional error and omissions coverage. Such insurance shall be written by an accredited insurance company under the supervision of the Texas Board of Insurance Commissioners and approved by the City Attorney's Office. Proof of said insurance coverage shall be provided to the Building Official prior to approval of the company to perform plan review and/or inspection services.

Conflict of Interest

Any third party plan review and/or inspection company desiring to perform services for the private sector, any entity in the City of El Paso, as well as for the municipality of the City of El Paso must execute a completed Acknowledgement of Conflict of Interest Policy form, approved by the City Attorney's Office, with the City of El Paso. This acknowledgement shall provide that any licensed architect, registered engineer, or other authorized person, entity or corporation who prepared or supervised preparation of the project plans and/or specifications, along with, the owner, builder, subcontractor, their agents, officers and employees shall not be associated in any manner with the third party plan review or inspection company. If it is determined that a conflict of interest exists with a third party plan review or inspection company, that company shall be disqualified immediately, and will not be allowed to submit a request for re-qualification with the City of El Paso for a minimum of one (1) year.